United Nations S/2012/739

Security Council

Distr.: General
4 October 2012

Original: English

Letter dated 4 October 2012 from the Secretary-General addressed to the President of the Security Council

I have the honour to transmit a letter dated 28 September 2012 from Kadré Désiré Ouédraogo, President of the Commission of the Economic Community of West African States (ECOWAS), requesting a mandate from the Security Council for the deployment of an ECOWAS stabilization force to Mali under Chapter VII of the Charter of the United Nations (see annex).

I would be grateful if you would bring the present letter and its annex to the attention of the members of the Security Council.

(*Signed*) **BAN** Ki-moon

12-53098 (E) 081012

Please recycle

Annex

Letter dated 28 September 2012 from the President of the Commission of the Economic Community of West African States addressed to the Secretary-General

I wish first of all to congratulate and commend you on your initiative to organize the high-level meeting on the Sahel, which was successfully held on 26 September 2012, and on your decision to appoint a special representative for the Sahel.

The unanimous view that emerged from the meeting about the need for urgent and immediate action by the international community to end the rebellion, as well as the terrorist and criminal activities in the north of Mali, also obliges me to once more address you on the matter of the Economic Community of West African States (ECOWAS) request, endorsed by the African Union, for a Security Council resolution authorizing the deployment of an ECOWAS stabilization force in Mali under a Chapter VII mandate.

You may want to know that pursuant to Security Council resolution 2056 (2012), ECOWAS intensified its political, diplomatic and military preparatory efforts, in close cooperation with the African Union, the United Nations and other partners aimed at satisfying the requirements of the Security Council for a mandate, as set out in paragraph 18 of the resolution.

In my letter of 1 August 2012, I informed you about progress made by ECOWAS in stabilizing the transition in Mali, including facilitating the return of the interim president, Dioncounda Traoré, to Mali on 27 July 2012 and the formation of a Government of National Unity, as well as the efforts to formulate and implement a road map that would lead to the reunification of the country and the restoration of full constitutional order through transparent, free, fair and credible elections by April 2013.

I also updated you on the outcome of the work of the ECOWAS technical assessment missions to Mali, with the active participation of military and political experts from the African Union, the United Nations and the European Union, to fine-tune the concept, modalities and means of the planned deployment of the stabilization force.

As you may also be aware, the Government of Mali addressed formal requests to ECOWAS on 1 and 23 September 2012 for military assistance to end the crisis in the north of the country.

In the agreement reached with Mali and in line with ECOWAS policy, the strategy in Mali will be to continue to prioritize and intensify mediation efforts aimed at a peaceful resolution of the rebellion, while at the same time undertaking a three-phased deployment process with the following objectives:

Phase I: Setting up a coordination centre near Bamako to ensure the security of mission personnel as well as logistical, communications and other assets

Phase II: Helping the Government to restructure and reorganize the security and defence forces of Mali

Phase III: Helping the Government to restore the territorial integrity of Mali by extending State authority to the north, combating terrorist and criminal networks and responding to the humanitarian consequences of the crisis

The main purpose of the present letter is, therefore, to seek your cooperation in securing an urgent meeting of the Security Council to further consider the ECOWAS request for a resolution authorizing the deployment of a stabilization force in Mali under a Chapter VII mandate.

As soon as the mandate is granted, ECOWAS will be ready to deploy the first contingents of the stabilization force to undertake tasks under phases I and II of the deployment strategy, while fine-tuning the modalities and means for phase III in cooperation with the African Union, the United Nations and other partners.

I anticipate that the formal request for assistance addressed to ECOWAS by the Government of Mali clears a major hurdle in the efforts to secure the Security Council mandate. I am also persuaded to believe, from the deliberations at the high-level meeting on the Sahel, that the entire international community is unanimous in considering the crisis in the north of Mali a serious threat to regional and international peace and security and that, as such, it must not be allowed to fester any further. Mali today holds the key to tackling the myriad challenges facing the Sahel, and how the international community cooperates to resolve the double crisis will provide a template for the implementation of the laudable integrated strategy for the Sahel.

(*Signed*) Kadré Désiré **Ouédraogo**
President of the Commission

United Nations S/2012/740

Security Council

Distr.: General
11 October 2012

Original: English

Letter dated 4 October 2012 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the President of the Security Council

Upon instructions from my Government, I have the honour to transmit herewith (see annex) the response of the Government of the Syrian Arab Republic concerning the report of the Secretary-General on children and armed conflict (A/66/782-S/2012/261).

It would be highly appreciated if the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Bashar **Ja'afari**
Ambassador
Permanent Representative

12-54378 (E) 171012 181012

Please recycle

Annex to the letter dated 4 October 2012 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the President of the Security Council

[Original: Arabic]

Response of the Government of the Syrian Arab Republic to the paragraphs concerning children in Syria included in the report of the Secretary-General entitled "Children and armed conflict"

It was with deep concern that we examined the Secretary-General's report entitled "Children and armed conflict" (A/66/782-S/2012/261), which contains erroneous information provided by the outgoing Special Representative for Children and Armed Conflict, Ms. Radhika Coomaraswamy.

The Syrian Arab Republic regrets the unsound and unprofessional nature of the report, which was drafted with subjective motives in order to denigrate Syria and call into question its standing and compliance with its international undertakings to protect children and prevent violence against them in armed conflict. The Syrian Government therefore rejects all the allegations which the report levels at my country, Syria. It deplores the politicization of that vital humanitarian issue, which is of particular relevance to the safety of Syria's children.

My Government is deeply concerned that, in considering the situation in Syria, the Special Representative has plainly overstepped her mandate under the relevant Security Council resolutions. In several paragraphs, the drafters of the report went beyond the time period under consideration, raising questions about their motives. Furthermore, they failed to back up the information in the report with evidence, data or facts. Instead, they chose to rely on allegations put forward by a media and propaganda source opposed to Syria and its people, rather than take into consideration the views of the Syrian Government. Those views have, since the crisis began, been set out repeatedly in scores of letters and reports that the Government has submitted through the Permanent Mission in New York to, among others, the Secretary-General, the President and members of the Security Council and the former Special Representative of the Secretary-General for Children and Armed Conflict. Those documents contain substantiated information on the extent to which civilians in Syria and, in particular, children, are the targets of the killing and destruction that are the work of armed terrorist groups armed and funded from abroad.

The Syrian Arab Government affirms that the claims made in the paragraphs on Syria are unsubstantiated and fraudulent. The sources are described in the report as eyewitnesses, but repeated references make it clear that they are either individuals avoiding military or public service, or civilians who support the armed opposition. In view of their obvious interest in distorting the facts and misleading the international community, their veracity must be open to question. It is no secret that their purpose is to sully the image of the Government, law enforcement forces and Army, which are doing their duty by keeping Syrian civilians safe and secure from the armed groups that have been committing acts of terrorism for the last year and a half. There is also a third category of eyewitnesses, namely, Syrian refugees, most of whom were forced to leave the country by threats to them and their families from terrorist groups. In what appears to be a leitmotiv for the drafters, nearly every

paragraph refers to "Government forces, including the Syrian Armed Forces, the intelligence forces and the Shabbiha militia". The Special Representative has clearly taken the phrase from notorious media and propaganda sources whose anti-Syrian agenda is plain to everyone. It is used indiscriminately by the armed opposition for obvious purposes, in order to misinform and to deflect allegations.

The drafters persistently hold the security and military services in Syria fully responsible for the violence perpetrated against children. They accuse those agencies of bombarding schools and killing and maiming children. In so doing, they deliberately ignore dozens of other political and media reports, as well as the accounts of well-known non-governmental actors, which show that armed terrorist groups have recruited children, obliging them to bear arms, take part in terrorist actions, kill, and sabotage public and private property at the behest of the leaders of the armed groups. Even the report of the Secretary-General has been unable to deny "credible allegations of the recruitment (...) of children by armed opposition". The most recent report of the independent international commission of inquiry on the Syrian Arab Republic indicates that anti-Government armed groups used children under the age of 18 as fighters and in such support roles as assisting medical evacuations or as couriers for armed groups.

The Syrian Arab Republic is a party not only to the Convention on the Rights of the Child, but also to its 2003 Optional Protocol on the involvement of children in armed conflict. We have been and remain committed to our obligations under those instruments.

We should have liked the former Special Representative to have included, in the section on Syria, information regarding the actions of the armed terrorist groups that are supported and funded from abroad. As documented in the reports of the United Nations Children's Fund, those actions include attacks on health centres and arson attacks on and the looting and destruction of over 2,070 schools and kindergartens.

The armed terrorist groups have targeted all components of the health sector, including 26 national hospitals that have been destroyed, set on fire and looted. Six have been rendered inoperable. Those who are unaware of the fact should know that the armed terrorist groups boasted in the media that on 3 September 2012, they had blown up the Qusayr hospital, in Homs governorate, when all the patients, including women and children, were still inside. A total of 103 health centres have been targeted and 12 put out of commission. More than 232 emergency vehicles that provided supplies and logistical support to hospitals and health centres have been put out of service.

There is documented evidence that armed terrorist groups have deliberately attacked educational institutions and teachers in Syria. Families have been directly and indirectly threatened in order to deter them from sending their children to school; explosive devices have been detonated within or in the vicinity of schools; and schools have been deliberately targeted by missiles. With the start of the new school year in Damascus, such incidents are recurring repeatedly.

One recent example of the way in which the armed terrorist groups target public property and school buildings and terrorize the students in order to prevent them from continuing their education is the attack that was carried out in the morning of 2 October 2012 by an armed terrorist group against the preparatory

school in the village of Buraq in the Al Laja area that lies in the countryside north of Dar'a. With a view to terrorizing the students and teachers, armed men opened fire and abducted Hisham Khalid al-Hilal, a student from year eight and the son of the sheikh of the Jamalat tribe, who is well known for his involvement in national reconciliation efforts. On the morning of the same day, another armed terrorist group attacked the Jasim business secondary school and set light to 600 litres of gas oil that they had discharged from the heating supplies. Several classrooms were destroyed.

It is the armed terrorist groups that are violating the rights of the child in Syria and obstructing the evacuation of the injured and sick, children and disabled persons from certain quarters where they are held hostage, as happened in the city of Homs in the presence of representatives of the International Committee of the Red Cross. As a gift to the schoolchildren on the first day of the current academic year an armed terrorist group bombarded a primary school in Rif Dimashq, wounding scores of children. We hear none of those who defend childhood and the right to education talking about that incident and are not surprised when, as usual, certain parties accuse the law enforcement forces of having carried it out.

Unfortunately, what we have claimed was exactly what took place when the Special Representative of the Secretary-General made her opening statement to the Security Council meeting that was held on 19 September 2012. In that statement, she said that she had requested the Permanent Representative of the Syrian Arab Republic to convey to Syrian Government forces an appeal to spare schools. While the Special Representative made no mention in her statement of the response of the Permanent Representative to her appeal, we should like to reaffirm what we have set forth above with regard to the real situation in Syria and, in particular, the status of schools in the country. We should also like to draw her attention to the outcome of the fifth Syrian Humanitarian Forum which was held in Geneva on 7 September 2012 under the auspices of the United Nations Office for the Coordination of Humanitarian Affairs (OCHA). Forum participants issued a presidential statement, of which the third paragraph stated:

> The Regional Humanitarian Coordinator gave a briefing on the rapidly deteriorating humanitarian situation resulting from the recent escalation of violence. He said that the local community's ability to support people who have fled their homes had been largely exhausted. Of the 1.2 million people displaced, more than 1 million were sheltering in 470 schools and other public buildings. The need to find alternative shelter was urgent, particularly as the new school term was scheduled to start on 16 September 2012.

The OCHA Coordinator in Damascus explains and confirms that schools in Syria are used as refuges for internally displaced families, not as bases for Government military forces. This is testimony from the United Nations itself!

Moreover, has the Special Representative not seen the reports and documents on the phenomenon that is considered permissible by some in Arab countries, namely, the vulgarly so-called "licit sexual jihad"? Those who consider this form of "jihad" permissible select from the Syrian refugee camps in Turkey and Jordan Syrian girl children aged between 14 and 16 years whom they marry for a paltry sum of money. Has the Special Representative also failed to look into the 86 documented cases of rape that have taken place in Turkish refugee camps, where Turkish guards have raped Syrian refugee women?

Furthermore, those who wrote the report completely ignored the impact on Syrian children of the illegal, unilateral economic sanctions. It is children who are primarily adversely affected by those sanctions and the challenges they pose to the various sectors and, in particular, the health sector. The difficulty of exchanging money that has ensued from the embargo placed on national banks has impacted the import of children's vaccines and the availability of medication, raised the cost of medical equipment and made supplies thereof unreliable. Spare parts necessary for maintenance are also unavailable, making it difficult to provide essential services and limiting prospects for development.

The Syrian Government finds it truly deplorable that eight paragraphs in the report should have been devoted to a discussion of the Syrian Arab Republic and that absolutely no reference should have been made to the suffering of Syrian children under the yoke of the Israeli occupation in the Syrian Golan, which has been occupied for decades. Those children suffer on a daily basis from the crimes of the Israeli occupation and the daily violations of their most basic rights to life, education, food and water, quite apart from the continuous suffering caused by the planting in the occupied Golan by Israel of all types of lethal mines and cluster bombs. A total of 202 Syrian children have been killed by those mines, while a further 329 have been permanently disabled thereby. Over the years, we have on dozens of occasions drawn Ms. Coomaraswamy's attention to the need to give this matter the attention it deserves in her reports, but she has failed to do so.

We were also surprised to find that the report of the Secretary-General's Special Representative made no reference to the situation of the Palestinian children in the occupied territories that is the result of the Israeli occupation. We have no option here but to remind the Special Representative that, since 29 September 2000, Israel has killed 1,500 Palestinian children; and that today happens to be the thirtieth anniversary of the massacre of innocent Palestinian children and women in Sabra and Shatila that was carried out in Beirut in 1982 by Israel and its Lebanese agents. It may also be appropriate to mention all the Iraqi, Libyan and Yemeni children who have died as a result of the military intervention of NATO forces, either on the ground or by means of drones.

The Syrian Government affirms its right to protect its citizens. On the basis of its respect for the moral role of the Security Council, and in keeping with the Charter of the United Nations, my country once more calls upon all members of the Security Council, in accordance with counter-terrorism-related Security Council resolutions, to bring pressure to bear on the Arab, regional and international States that are financing the terrorism in Syria to halt their support for the terrorist groups and to stop arming and funding them and facilitating their operations. It also calls for the immoral and illegal nature of the unilateral sanctions that have been imposed on Syria to be exposed.

United Nations S/2012/741

Security Council

Distr.: General
5 October 2012

Original: English

Letter dated 5 October 2012 from the Permanent Representative of Canada to the United Nations addressed to the President of the Security Council

I am addressing you in your capacity as President of the Security Council regarding the briefing of the Council by the Special Court for Sierra Leone, on 9 October 2012. As Chair of the Management Committee of the Special Court for Sierra Leone, I request that the attached letter from the President of the Special Court, dated 4 October 2012, and the Report on the Special Court for Sierra Leone: activities, achievements and completion of its mandate, be issued as a document of the Council (see annex). I believe that Council members may find this report useful in preparing for the briefing by the Special Court for Sierra Leone on 9 October 2012.

(*Signed*) Guillermo E. **Rishchynski**
Ambassador
Permanent Representative

12-53670 (E) 151012

Please recycle

Annex to the letter dated 5 October 2012 from the Permanent Representative of Canada to the United Nations addressed to the President of the Security Council

Letter dated 4 October 2012 from the President of the Special Court for Sierra Leone addressed to the President of the Security Council

I have the honour to transmit herewith information on the current status of the Special Court's work and the completion of its mandate (see enclosure). I hope that this will be useful to Council members in preparation for the briefing to be held on Tuesday, 9 October.

I would be grateful if this information could be circulated to members as a document of the Security Council.

(*Signed*) Justice Shireen Avis **Fisher**
President
Special Court for Sierra Leone

Enclosure

Report on the Special Court for Sierra Leone: activities, achievements and completion of its mandate

Contents

		Page
I.	Introduction	4
II.	Judicial activities	4
	A. Main cases	4
	B. Contempt cases	5
	C. Enforcement of sentences	6
III.	Achievements in fulfilment of its mandate	6
	A. Outreach	6
	B. Gender issues	7
	C. Capacity-building	8
	D. Archives development programme	9
	E. Peace Museum	10
	F. Witness support and protection	11
IV.	Preparations for closure	12
	A. Residual Special Court for Sierra Leone	12
	B. Liquidation and downsizing	13
	C. Transition to the Residual Special Court	13
V.	Remaining tasks	14
VI.	Conclusions	14

I. Introduction

1. The Special Court for Sierra Leone expects to successfully complete its mandate by 30 September 2013. It will then transition to its residual status and close its doors. It will be the first international criminal tribunal to do so.

2. The present report sets out the major progress made towards completion of the Special Court's mandate since its last briefing to the Security Council on 16 July 2009 (S/PV.6163). It describes the judicial activities completed since that time, details the Court's other achievements in fulfilment of its mandate and explains what measures have been taken to prepare for the closure of the Court upon completion of its mandate, including measures to create and ensure a smooth transition to the Residual Special Court for Sierra Leone.

3. The report also includes a summary of the remaining tasks before the Special Court and its projected schedule for the completion of those tasks.

II. Judicial activities

A. Main cases

4. In 2008, the Special Court completed two of its four main cases — those involving the leaders of the Civil Defence Forces (CDF) and the Armed Forces Revolutionary Council (AFRC). The trial phases in both those proceedings commenced in March 2003. The complete trial judgement in the *AFRC* case was issued on 19 July 2007 and the Appeals Chamber issued its final judgement on 22 February 2008. The Appeals Chamber upheld the convictions of all three accused entered by the Trial Chamber and the sentences imposed of 50, 50 and 45 years of imprisonment. The complete trial judgement in the *CDF* case was issued on 9 October 2007 and the Appeals Chamber issued its final judgement on 28 May 2008. The Appeals Chamber reversed some convictions entered by the Trial Chamber, upheld other convictions, entered new convictions for both accused and imposed sentences of 20 and 15 years of imprisonment.

5. The third major case before the Special Court, involving the leaders of the Revolutionary United Front (RUF), was completed in October 2009. The trial phase in that proceeding commenced in July 2004. The complete trial judgement was issued on 8 April 2009 and the Appeals Chamber issued its final judgement on 26 October 2009. The Appeals Chamber reversed some convictions entered by the Trial Chamber, upheld the other convictions of all three accused and upheld the sentences imposed of 52, 40 and 25 years of imprisonment.

6. The last major case before the Special Court, *Prosecutor v. Charles Ghankay Taylor*, is now in its final phase. The presentation of evidence in that proceeding commenced in January 2008. The complete trial judgement was issued on 30 May 2012. The Trial Chamber found Mr. Taylor individually criminally responsible for aiding and abetting and planning crimes contained in all 11 counts of the indictment. It imposed a sentence of 50 years of imprisonment.

7. The final determination as to Mr. Taylor's guilt or innocence will be made by the Appeals Chamber when it enters its final judgement. Appellate proceedings commenced with the filing of notices of appeal by both parties on 19 July 2012.

Cumulatively, the Prosecution and Mr. Taylor have submitted 49 grounds of appeal against the trial judgement. The parties challenge, inter alia, the Trial Chamber's assessment of the evidence, its findings on Mr. Taylor's criminal liability and the sentence it imposed. The Prosecution and Mr. Taylor have both raised complex issues of law and fact for review. Written submissions by the parties will be filed by 30 November 2012 and the Appeals Chamber will commence its deliberations thereafter. It will also consider and decide preliminary matters and other issues raised by the parties during the appellate proceedings.

8. The trial record to be reviewed by the Appeals Chamber is unquestionably substantial. The indictment charged Mr. Taylor with 11 counts, covering a broad temporal scope and wide geographic area. There were 420 trial days, during which 115 witnesses were heard, 1,521 exhibits were admitted and 49,000 pages of transcript were produced. There were 1,279 further filings and decisions, totalling 38,069 pages.

9. In the light of the foregoing considerations, it is projected that the Appeals Chamber will issue its final judgement as to Mr. Taylor's guilt or innocence by 30 September 2013. It should be noted that the Appeals Chamber has consistently met its projected completion dates in all prior cases.

B. Contempt cases

10. The successful administration of justice demands the protection of witnesses and adherence to witness protection measures ordered by the Special Court. The Court has also made a commitment to witnesses that they will be protected; it must honour this commitment. One case of contempt of court was recently completed and two contempt of court cases are currently under way. The Court has retained the services of independent counsel for these contempt matters on a pro bono basis.

11. The case of *Independent Prosecutor v. Eric Senessie* was completed in August 2012 and the accused was sentenced to a term of imprisonment of two years. Trial proceedings commenced and were completed in June 2012. The single judge entered convictions on eight counts of contempt of court and imposed a sentence of two years imprisonment. The accused did not appeal the trial judgement, which then became final.

12. Trial proceedings in the case of *Independent Prosecutor v. Bangura, et al.*, are currently under way. The order in lieu of indictment against the four accused was issued by the Trial Chamber on 24 May 2011, charging the accused with three counts of contempt of court. One accused pleaded guilty to the charges. Trial proceedings against the remaining three accused commenced in June 2012 and were completed on 6 September 2012. On 1 October 2012, the single judge issued the written trial judgement, entering convictions against the three accused on two counts of contempt of court. The sentencing judgement is expected to be issued in October 2012 and appellate proceedings, if any, will commence following the filing of notices of appeal.

13. Trial proceedings in the case *In the matter of contempt arising from the case of Prosecutor v. Charles Taylor* are currently under way. On 19 July 2012, the Decision on the prosecution motion for the Trial Chamber to summarily deal with contempt of the Special Court and for urgent interim measures was issued. The Decision

found that there was reason to believe that Lead Counsel for Mr. Taylor during the trial proceedings had committed contempt of court by disclosing information in violation of an order of the Chamber. Proceedings in this matter are under way.

C. Enforcement of sentences

14. In March 2009, the Special Court entered into an enforcement of sentences agreement with the Government of Rwanda. In August and October 2009, the President of the Special Court designated Rwanda as the place where convicted prisoners in the *AFRC*, *CDF* and *RUF* cases would serve their sentences. On 31 October 2009, the Registrar completed the transfer of the eight convicted prisoners to Rwanda. With the cooperation of the Executive Representative of the Secretary-General, United Nations Integrated Peacebuilding Office in Sierra Leone and the United Nations Mission in the Democratic Republic of the Congo, a military air transport plane and helicopter were put at the disposal of the Special Court for the purpose of transferring the prisoners and attendant security personnel from the detention facility in Freetown to the international airport in Lungi, Sierra Leone, and onwards to Kigali.

15. Pursuant to the enforcement of sentences agreement, all eight prisoners are currently serving their sentences in Mpanga Prison, in Rwanda. The prison is administered by the Rwanda Correctional Service and the Special Court works with the Office of the Commissioner-General of the Service to ensure that international standards in the prison are maintained until the Court's closure. The Residual Special Court will take on this responsibility and will continue to work with the Rwandan authorities until all the sentences have been served.

16. From 2 to 7 November 2011, the Registrar and Deputy Registrar of the Special Court made their most recent annual visit to Rwanda to meet with senior officials and with the convicted prisoners, and to inspect the conditions of detention. The Court also facilitated the travel of the Deputy Attorney-General of Sierra Leone, a representative of the Sierra Leone Human Rights Commission and a representative of Prison Watch Sierra Leone to Mpanga Prison in order to independently monitor and assess the conditions of detention.

III. Achievements in fulfilment of its mandate

A. Outreach

17. The Special Court's Outreach Section continued its internationally recognized grass-roots programme to inform the people of Sierra Leone and Liberia about the Court's work and foster a two-way dialogue to contribute to reconciliation.

18. During its mandate, the Outreach Section has successfully overcome many challenges to inform Sierra Leoneans beyond Freetown about the work of the Court and the trial process. A number of communities are isolated, with limited communications infrastructure. There are also a number of different languages and levels of literacy are low. The Section takes into account all of these factors and has designed a programme that is flexible and needs-based. A nationwide network of Outreach officers, some of whom reach many communities by motorbike, is

supported by a central office in Freetown. The Court's "grass-roots awareness campaign" provides information to rural communities through public meetings, video screenings and poster campaigns.

19. In Liberia, the Outreach Section works with a coalition of 20 civil society groups, comprising the Outreach Secretariat of Liberia. These groups work to provide information on the Special Court to people all over Liberia. The Court's outreach work in Liberia is in accordance with the mandate set for it by the Security Council in its resolution 1688 (2006).

20. Since the *Taylor* trial was conducted in The Hague, the Outreach Section screened video summaries of the trial proceedings to bring the trial closer to the people of Sierra Leone and Liberia. With funds provided by the European Commission and the MacArthur Foundation, the Section's field officers and civil society partners in Sierra Leone and Liberia screened trial summaries produced by the Section at local community gatherings in Sierra Leone and Liberia. The videos have also been shown on television in Monrovia and Freetown. The Section's Freetown-based staff and interns regularly do video screenings in the Western Area (Freetown Peninsula) of Sierra Leone. In 2010, over 450 video screenings were conducted in all 12 districts, 200 of those in Freetown and the surrounding communities, while there were more than 300 screenings in Liberia.

21. Recognizing the need to explain the work of the Special Court in lay terms, the Outreach Section issued two groundbreaking booklets, *The Special Court for Sierra Leone* and *International Humanitarian Law Made Simple*. The Section has distributed tens of thousands of copies of these booklets, which use illustrations and plain language to describe the Special Court and international humanitarian law, in Sierra Leone and Liberia. In addition, the Section printed 84 three-volume copies of the 1991 Constitution of Sierra Leone in Braille for the visually impaired, which were distributed to five schools for the blind in Freetown, Makeni, Kabala, Bo and Koidu.

22. The Outreach Section developed and continued to support "Accountability Now" Clubs at 19 universities throughout Sierra Leone and Liberia. Focusing on the broader issues of justice, accountability and human rights, the clubs are now self-supporting and will continue to educate people in the future.

23. Children — as displaced persons, victims and child soldiers — were among those most affected by a decade of conflict in Sierra Leone and they are consequently one of the Outreach Section's target groups. The Section undertakes over 150 school visits each year. Schoolchildren are an integral part of the Special Court's outreach. Each school visit is accompanied by the distribution of information materials about the Court. A very important format regularly adopted has been to use existing community events, such as the Day of the African Child, International Human Rights Day, International Women's Day and World Justice Day, for outreach events.

B. Gender issues

24. Recognizing, in particular, the atrocities committed against women and girls during the conflict, the statute of the Special Court includes crimes against women and girls, and mechanisms for gender-sensitive justice. The Court has made historic

contributions to understanding the impact of armed conflict on women and girls, reflected in its jurisprudence and its treatment of survivors as participants in post-conflict justice.

25. The Special Court's Witness and Victims Section developed witness programmes to protect women victims and respond to their specific needs. In addition to its regular work with witnesses who appear before the Court, the Section also provided critical assistance with witnesses to the Government of Sierra Leone. The Government established a Commission of Inquiry charged with investigating allegations of rape and sexual abuse, which began its work on 28 July 2009. Owing to the politically sensitive nature of crimes of sexual violence and the social stigma associated with them, the former United Nations Development Fund for Women (UNIFEM) identified a need to shelter victims in safe houses for the duration of the investigation. As the Court was the only organization in Sierra Leone with the capability of providing protection services for victims and witnesses, it partnered with UNIFEM-Sierra Leone to provide the requested assistance throughout the work of the Commission.

26. The Special Court's Outreach Section pioneered outreach activities specifically tailored to women and girls in order to ensure that they participate fully and equally in post-conflict justice and reconciliation. The Special Court for Sierra Leone outreach programme is unique because its message is to educate and inform women about the rule of law and the Special Court, while soliciting and taking into account their expectations and desires for justice and lasting peace. The Court has partnered with local and international women's groups and non-governmental organizations in order to reach women and girls who would not generally participate in the outreach programme for personal or cultural reasons.

27. In responding to the needs expressed by women, the Special Court has shared information and resources with personal empowerment, training, medical, counselling and support services that work with the Registry. Recognizing the importance of reintegrating women victims and providing them with the means to participate fully in society, in September 2009, the Court implemented a project to provide tailoring skills for war victims. Four women and one young man received skills training from September 2009 to March 2010.

C. Capacity-building

28. The Special Court was created because the conflict had destroyed Sierra Leonean legal and judicial institutions, and Sierra Leone did not have the resources or expertise to ensure justice alone. The Court has implemented a number of programmes and activities to build the capacity of the national legal system. It is also transferring significant legal and practical knowledge to the Sierra Leonean criminal justice system in order to strengthen its capacity. By bringing together national and international staff, the Court enables highly effective knowledge transfer through the daily exchanges of ideas and professional cooperation. This undertaking will benefit not only the individuals, but also the region.

29. In 2009, the Office of the Prosecutor initiated a training programme for local police prosecutors as one of its major capacity-building initiatives. The purpose of this project is to introduce participants to the basics of prosecutorial skills, strategy and ethics. It covers topics on the objectives of prosecution, witness and victim

management, case management, police liaison with the Prosecutions Department, analysis of the rules as to information and indictment, and the ethics of prosecuting. Over 200 police prosecutors have benefited from the programme.

30. On 16 and 17 October 2009, a juvenile justice training programme was organized in the Courthouse by Ms. Umu Hawa Tejan-Jalloh, Chief Justice of the Republic of Sierra Leone, Ms. Julia Sarkodie-Mensah, Consultant Master and Registrar of the High Court of Sierra Leone, and Justice Renate Winter, the former President of the Special Court. Thirty-five national judicial officers attended and were trained in juvenile justice matters.

31. The Registry continues to work with the Sierra Leone Police in order to establish a national witness protection unit. The unit will provide support to threatened witnesses in national cases, including organized crime, gender-based violence and corruption cases. Furthermore, it will assist the Residual Special Court to protect its witnesses. In 2009, the Special Court conducted training with 38 police officers in witness protection skills. Since that time, the Court has worked with these officers and senior Sierra Leone Police leadership to provide witness protection in specific cases so as to support the national judiciary. The Court will continue to work with the Sierra Leone Police in order to formally establish the unit prior to the Court's closure.

32. Professional development for the staff of the Special Court and those of other relevant national institutions has been a priority for many years. The Court's training sessions make it possible for skills to be transferred to national staff and institutions. In addition to other programmes, the Court conducted an archive management training programme. The programme involved nine sessions and the final three-day sessions on "planning an archival building" and "disaster planning", which were conducted in June and July 2010. The total course lasted 36 days and had 21 participants, the majority of whom were from national archival institutions.

33. The Special Court also provides recent graduates and legal associates from Sierra Leone with the opportunity to work with and learn from the Court's staff in a wide range of fields. In particular, the legal associates are involved in the research and drafting of motions, decisions and judgements, and can learn from the guidance of their supervisors. Often former participants return to the national judicial system and are able to apply their experience of the international criminal system.

D. Archives development programme

34. The Set of principles for the protection and promotion of human rights through action to combat impunity, adopted by the United Nations Office of the High Commissioner for Human Rights, points to the importance and maintenance of, and access to, archives as a way to safeguard against future violations. The Special Court recognizes that the long-term management of its records involves the balancing of the victims' right to know about the work of the Court with the right of witnesses, Governments, non-governmental organizations and other organizations to continue to be protected from damaging public disclosure by the institution. The Court also recognizes that many of its judicial records are deeply significant to the victims, witnesses, their families and the future generation of Sierra Leone.

35. With this in mind, the archives development programme works to ensure that the records of the Special Court are safeguarded well into the future, while developing access and security policies to regulate access to public records and guarantee that there will be no unauthorized disclosure of confidential records.

36. The archives development programme is organizing and preparing the records and audiovisual tapes of the Special Court for permanent storage as an archive. Preparation of the hard copy and electronic archive is well under way. The Court has appraised its records to identify the permanent collection for long-term preservation. Before they are catalogued and packed, records are given a security classification to ensure appropriate management of the collection after the Court closes. In addition, the records collection is being prepared in electronic form.

37. In December 2010, the Registry successfully transferred the permanent records of the Special Court in its three completed trials from Freetown to The Hague for assembly and digitization so that copies remain accessible where they are maintained in Freetown, while the more perishable originals are now being stored by the Government of the Netherlands in the Dutch National Archives. This transfer was consistent with the Agreement between the United Nations and the Government of Sierra Leone on the Establishment of a Residual Special Court for Sierra Leone (RSCSL Agreement), which provides that while the Residual Special Court is temporarily located in The Hague, the archives are to be co-located with the Residual Special Court. The United Nations and the Government of Sierra Leone may at any time agree to relocate the original archives to Sierra Leone when there is a suitable facility for their preservation and sufficient security to maintain them in accordance with international standards. This transfer followed months of preparatory work at the Special Court and was made possible by the cooperation and assistance of the Government of Sierra Leone, the Government of the Netherlands, the Royal Netherlands Air Force, the Management Committee and the Mongolian Guard Force. The Special Court continues to archive its permanent records in preparation for the transition to the Residual Special Court.

E. Peace Museum

38. The Special Court was created to contribute to national reconciliation and the restoration and maintenance of peace in Sierra Leone and the region. In support of this goal, the Peace Museum will open shortly to tell the story of Sierra Leone's decade-long conflict and its return to peace, and honour the victims of the conflict. It will also contain an archive of war-related materials, including the permanent archives of the Special Court.

39. The goal of the Peace Museum project is to establish a museum designed by national stakeholders that would memorialize the conflict and the peace process. In collaboration with the Government, the Special Court developed a project proposal to establish a memorial on the Court's Freetown site that would include an exhibition, a memorial and an archive of war-related materials. In December 2010, the United Nations Peacebuilding Fund approved a grant of $195,000 for the Court to realize this vision and the Peace Museum project began officially in March 2011. Significant progress has been made on each of the Peace Museum's components: the archive; the memorial; and the exhibition.

40. In December 2011, the Sierra Leone Human Rights Commission transferred the records of the Truth and Reconciliation Commission to the Special Court. The Court is working with the Commission to organize and digitize the Commission's records for inclusion in the Museum. A public copy of the Court's records is ready to be transferred to the Museum, together with the Court's law library.

41. In 2011, a competition was held to design the Museum's memorial. The memorial is intended to honour the victims of the war and convey a message to future generations about the consequences of violent conflict. In March 2011, a panel of judges interviewed the entrants and selected the winning design. The memorial will take the form of a garden in an enclosed portion of the site.

42. Preparations for the exhibition are also under way. The Special Court's former security building is currently being reconfigured for the Museum. The Sierra Leone Union of Photographers has donated a collection of photographs that convey the history of the conflict. Additional artefacts are being collected. The Court is working with the people of Sierra Leone to design the exhibition.

43. In April 2011, the Peace Museum opened a three-day preview exhibition, which was organized as part of celebrations for Sierra Leone's fiftieth independence anniversary. During the exhibition, videos such as "The Sierra Leone Story" on the country's independence were aired, materials relating to the "national vision" of the Truth and Reconciliation Commission were displayed and a preview was shown of the Special Court's archives. In addition, a number of historical documents were loaned from the National Archives to complement the preview exhibition.

F. Witness support and protection

44. The Special Court's cases have involved significant use of witness testimonies for evidence. As in any international tribunal, where former political and military leaders are among the accused, rigorous measures are required to ensure that witnesses are able to testify without fear of intimidation. This is even more important in the context of Sierra Leone's civil war, where victims and perpetrators often lived in the same communities. Furthermore, the Court's witnesses often recount extremely traumatic events and the Court has a duty to support their courage in testifying.

45. Since the inception of the Special Court, the Witness and Victims Section has facilitated the appearance of 545 witnesses before the Court. The Section constantly evaluates the threat faced by the Court's witnesses and provides the appropriate protection.

46. As the Special Court approaches completion of its mandate, the Witness and Victims Section has responded to an increased number of security concerns. Outreach activities were held in relevant communities, highlighting the witness protection capabilities of the Court and the Residual Special Court. In particular, the Section has responded to witness concerns relating to the contempt proceedings, the increased risk of reprisals in case of any election violence in Sierra Leone and the release of the first convicted persons following completion of their sentences.

47. In the weeks preceding the delivery of the *Taylor* trial judgement, the Witness and Victims Section received an increased number of calls relating to security concerns from witnesses in Liberia. The Registry and the Section coordinated with

the United Nations Mission in Liberia, in Monrovia, to obtain the local consultation and support that would be needed in case of scenarios that required on-the-ground presence or response. Despite concerns of escalating tension, however, the delivery of the judgement proceeded smoothly, without incident in Sierra Leone or Liberia.

48. The Special Court's obligation to its witnesses does not end with the final judgement of the Court. If the Court fails to respond adequately to ongoing threats against witnesses, it would put its witnesses and the credibility of the international criminal justice system at risk. The ongoing support of the international community to ensure that resources for the Residual Special Court are sufficient to keep faith with the witnesses and their families after the Special Court closes its doors is vital not only to the legacy of the Court, but also to the future of any other court that seeks to fight impunity and requires the assistance of witnesses to do so.

IV. Preparations for closure

A. Residual Special Court for Sierra Leone

49. The RSCSL Agreement was signed in August 2010. It was ratified by the Parliament of Sierra Leone in December 2011 and gazetted in February 2012.

50. The Residual Special Court is mandated to perform essential residual functions following the closure of the Special Court, including (a) enforcement of sentences: monitoring and overseeing prisoners serving their sentences and deciding on applications for early release and/or pardon, made by prisoners or their host States, (b) witness protection: enforcing and overseeing the implementation of witness protection orders, (c) management of archives: preserving and providing access to the archives of the Special Court, (d) contempt of court: referring or adjudicating contempt of court cases, (e) review of judgements: adjudicating requests for review of the judgements of the Special Court, and (f) at-large accused: referring or adjudicating the trial of the indicted and at-large accused.

51. The Residual Special Court will be a small, lean body. The secretariat will comprise six to eight staff. There will also be a roster of approximately 16 judges who will be paid only for the time they work. Like the Special Court, the Residual Special Court will be funded through voluntary contributions. In the event that judicial proceedings, such as contempt of court or a trial of the at-large accused, are initiated, additional funding would be required.

52. The Residual Special Court will have its interim seat in The Hague, with a branch or sub-office in Freetown. The Special Court has entered into discussions with several institutions in The Hague and Freetown regarding the provision of an administrative platform for the Residual Special Court. In Freetown, the Special Court has engaged in discussions with the United Nations Development Programme and continues to search for an appropriate host institution. In The Hague, negotiations are under way with the International Criminal Tribunal for the Former Yugoslavia regarding a shared information technology platform and storage facilities. By utilizing a shared administrative platform, the Residual Special Court will operate efficiently and generate savings through means that include reduced post funding requirements and general operating expenses, and reduced infrastructure, equipment and administrative service costs. The different funding mechanisms for the Residual

Special Court and the Tribunal may pose administrative barriers and could generate additional administrative costs; however, it is hoped that practical ad hoc solutions can be found to ensure the most cost-efficient and effective provision of support for the Residual Special Court.

B. Liquidation and downsizing

53. During negotiations leading to the signing of the RSCSL Agreement, the parties agreed that, in the liquidation of assets, any assets not required by the Residual Special Court would be transferred to the Government of Sierra Leone. This agreement was formalized in article 12 of the RSCSL Agreement and became part of the Special Court's liquidation policy. In August 2011, in accordance with the approval of the Attorney-General of Sierra Leone, the Special Court disposed of the first set of assets. Vehicles, communications equipment, data processing equipment and some office equipment were transferred to the Government of Sierra Leone.

54. The Government of Sierra Leone allocated land in New England, Freetown, for the exclusive use of the Special Court during its operations. The Freetown site will be fully handed over to the Government of Sierra Leone upon completion of the Court's mandate. This process is already under way. In May 2010, the former detention centre was handed over to the Sierra Leone Prison Service to become a women's prison. In addition, part of the Court's site in Freetown is now a law school and peace museum. Finally, another part of the site will shortly be handed over to the Sierra Leone Police for use by Sierra Leone's National Witness Protection Unit.

55. Downsizing at the Special Court has continued, with the completion of cases and the achievement of milestones in the *Taylor* case. From a peak of 424 staff members, the Court downsized to 90 staff members in June 2012. Posts are removed as soon as the relevant judicial or administrative milestone is reached, while utilizing "double-hatting" to ensure that the Court maintains the minimum diversity of professional skills required to fulfil its mandate. The Court has taken steps to minimize costs as it approaches closure. With the implementation of phased downsizing resulting in fewer staff, the Court has restructured its sections to streamline its management arrangements.

C. Transition to the Residual Special Court

56. The transition to the Residual Special Court must take place immediately upon closure of the Special Court. The Special Court is mandated to ensure that the transition to the Residual Special Court is orderly and efficient, and that the Residual Special Court is able to immediately take over its responsibilities following the closure of the Special Court.

57. Judicial and practical arrangements for the smooth transition to and functioning of the Residual Special Court are being put in place. The Residual Special Court is a new institution and arrangements must be made for its functioning. In addition to many practical arrangements, judicial instruments and policies will need to be developed and put in place. It will also be necessary to directly hand over ongoing matters related to witness protection and enforcement of sentences.

V. Remaining tasks

58. The Special Court anticipates completing its mandate by 30 September 2013. It will then close its doors and the Residual Special Court will be created. From now until then, there is significant work to be done in three areas: issuance of judgements; transition of responsibilities; and transfer of experience and physical and intellectual assets.

59. The Appeals Chamber must issue its judgement in the *Taylor* case and enter a final judgement on his guilt or innocence. The Special Court will also adjudicate to completion the contempt cases that fall within its jurisdiction.

60. The Special Court must ensure a smooth and successful transition of responsibilities to the Residual Special Court.

61. Moreover, the Special Court must preserve and hand over the results of its mandate. It is a model for positive complementarity and a blueprint for hybrid/internationalized criminal courts operating in post-conflict areas. Its experiences and lessons learned can benefit other national efforts to pursue post-conflict justice in their territories. The Court must preserve and effectively hand over not only its physical assets, but also its intellectual assets, including archives, replicable programmes and jurisprudence.

VI. Conclusions

62. At the end of May 2012, the Special Court, with funding from the European Union, commissioned a nationwide survey in Sierra Leone and Liberia, which was conducted on the impact and legacy of the Special Court for Sierra Leone by the international non-governmental organization No Peace Without Justice and its partners. The purpose of the survey was to record the public's understanding about the mandate and operations of the Court, and establish its impact through its judicial proceedings, legacy work and outreach programme. The survey was administered throughout Sierra Leone and Liberia to 2,841 individuals, representing diverse walks of life, sexes and age groups, with an emphasis on ensuring the inclusion of historically overlooked voices, including women, young persons and persons with disabilities. The survey found that 79.16 per cent of those questioned in Sierra Leone and Liberia believe the Special Court has accomplished its mandate, which, according to them, is first and foremost to carry out prosecutions, as well as to bring justice and peace, and to establish the rule of law. The survey also found that 91 per cent of Sierra Leoneans and 78 per cent of Liberians believe the Court has contributed to bringing peace in their countries. These important achievements were attributed to "the work of the Outreach Section and to the vision established during the early stages of the Court of it being an institution embedded in and responsive to the expectations and needs of the people of Sierra Leone and Liberia". An advance copy of the report is available for Security Council members, so the Council can see the wide and deep impact the Court has had on ending impunity, strengthening the rule of law, restoring peace and bringing victims a sense of redress, which 81 per cent of those surveyed believe was achieved also by obtaining justice.

63. The Special Court has delivered on its mandate. It estimates that it will complete its work in 11 months and 3 weeks. Moreover, it is fully dedicating its efforts to completing its remaining work as expeditiously and efficiently as possible,

while fully protecting the rights of the parties and ensuring the fairness of the proceedings.

64. The Special Court has achieved unprecedented success in delivering on the ambitious goals set for it by the Government of Sierra Leone and the United Nations. It was the first partnership between national authorities and the United Nations to create a credible system of post-conflict justice that met international standards of justice. It was also the first hybrid tribunal created to assist a State that desired post-conflict justice but did not have the capacity to ensure it. In addition, it was the first tribunal to carry out its work in the territory where serious violations of international humanitarian law were committed.

65. The Special Court has made unprecedented contributions to gender justice. It laid the foundation in international criminal law regarding forced marriage, sexual violence as terrorism, sexual slavery and the recruitment and use of child soldiers — a crime that victimized an estimated 10,000 girls and boys during the conflict. The Court fully recognized the range of crimes that target women and girls. It considered both the physical and psychological trauma suffered by victims, most notably by recognizing forced marriage for the first time as a crime against humanity and sexual violence as an act of terrorism. Critically, the Court's jurisprudence also demonstrates the importance of understanding gender-related harms from the point of view of those women and girls who have experienced them, and their suffering within local cultural contexts.

66. The Special Court has developed the jurisprudence of international criminal law. It was the first to consider many significant issues of international law. It also made important contributions to the law of war crimes and crimes against humanity, in particular in the context of the Sierra Leonean conflict. Its jurisprudential contributions and legacy include national amnesties under international law, Head-of-State immunity, gender-based violence, acts of terrorism, collective punishment, the conscription and use of child soldiers, and attacks on peacekeepers.

67. The Special Court represents an effective partnership between the Government and people of Sierra Leone and the United Nations to promote justice and fight impunity for the crimes committed in Sierra Leone. It has been privileged to play a part in contributing also to national reconciliation and to the restoration and maintenance of international peace and security in the region. The staff and judges of the Court are grateful to Sierra Leone and the United Nations for their support for this endeavour.

68. The Special Court hopes and trusts that the international community will continue to stand by it and enable it to complete its final remaining work over the coming 11 months.

69. In the same spirit, the Special Court has faith that the Security Council, States Members of the United Nations and the international community will remember that the closing of the Court does not mark the end of the commitment made to the people of Sierra Leone. The Court therefore requests the international community to extend to the Residual Special Court its encouragement and financial support.

United Nations S/2012/742

Security Council

Distr.: General
9 October 2012

Original: English

Germany: draft resolution

The Security Council,

Reaffirming its previous resolutions on Afghanistan, in particular its resolutions 1386 (2001), 1510 (2003), 2011 (2011) and 2041 (2012),

Reaffirming also its resolutions 1267 (1999), 1368 (2001), 1373 (2001), 1822 (2008), 1904 (2009), 1988 (2011) and 1989 (2011), and *reiterating* its support for international efforts to root out terrorism in accordance with the Charter of the United Nations,

Recalling its resolutions 1265 (1999), 1296 (2000), 1674 (2006), 1738 (2006) and 1894 (2009) on the protection of civilians in armed conflict, its resolutions 1325 (2000), 1820 (2008), 1888 (2009), 1889 (2009) and 1960 (2010) on women and peace and security, and its resolutions 1612 (2005), 1882 (2009) and 1998 (2011) on children and armed conflict, noting as well the report of the Secretary-General on children and armed conflict in Afghanistan (S/2012/261) and the conclusions of its working group on children and armed conflict (S/AC.51/2011/3),

Reaffirming its strong commitment to the sovereignty, independence, territorial integrity and national unity of Afghanistan,

Recognizing that the responsibility for providing security and law and order throughout the country resides with the Afghan Authorities, *stressing* the role of the International Security Assistance Force (ISAF) in assisting the Afghan Government to improve the security situation and build its own security capabilities, and *welcoming* the cooperation of the Afghan Government with ISAF,

Underlining the pivotal importance of strengthening Afghan ownership and leadership, consistent with the Kabul Process, in all fields of governance,

Welcoming the conclusions of the International Conference on Afghanistan in Bonn (S/2011/762) which declared that the Process of Transition, to be completed by the end of 2014, should be followed by a Transformation Decade (2015-2024) in which Afghanistan consolidates its sovereignty through strengthening a fully functioning, sustainable state in the service of its people, and *welcoming further* the strategic consensus between the Government of Afghanistan and the International Community on a renewed and enduring partnership for this Transformation Decade based on firm mutual commitments, and *welcoming* the conclusions of the Tokyo Conference on Afghanistan (S/2012/532) and the adoption of the Tokyo Mutual Accountability Framework to support the sustainable economic growth and

development of Afghanistan, in which the Afghan Government and the International Community reaffirmed their mutual commitments,

Recognizing once again the interconnected nature of the challenges in Afghanistan, *reaffirming* that sustainable progress on security, governance, human rights, rule of law and development as well as the cross-cutting issues of counter-narcotics, anti-corruption and accountability are mutually reinforcing and that governance and development programmes prioritized for implementation in transition should be consistent with the goals set forth in the Tokyo Declaration and the National Priority Programmes and *welcoming* the continuing efforts of the Afghan Government and the international community to address these challenges through a comprehensive approach,

Stressing in this context the need for further efforts by the Afghan Government to fight corruption, promote transparency and increase its accountability, in line with the Afghan Government's commitment to strengthen measures to combat corruption as reinforced in the Tokyo Conference Conclusions and the Tokyo Mutual Accountability Framework,

Welcoming the long-term commitments taken by Afghanistan's international partners, including NATO, the European Union (EU), neighbouring States and regional partners to continue supporting Afghanistan beyond transition, including during the Transformation Decade, *stressing* the importance of their complementary nature, including with future bilateral partnerships decided by the Government of Afghanistan,

Underlining the significance of the agreement reached between the Government of Afghanistan and countries contributing to ISAF, at the North Atlantic Treaty Organization (NATO) Summit in Lisbon, to gradually transfer full security responsibility in Afghanistan to the Government of Afghanistan countrywide by the end of 2014, *welcoming* the ongoing implementation of the first three tranches of transition and *looking forward* to the phased completion of the process in the remaining parts of the country and the mid-2013 milestone when all areas will have entered the transition process and Afghan forces will be in the lead for security nationwide, underlining ISAF's continuing role, in support of the Government of Afghanistan, in promoting a responsible transition and the importance of the enhancement of the capabilities of the Afghan national security forces (ANSF),

Acknowledging the progress made and the challenges remaining in security sector reform and governance, *welcoming* the continuous support and assistance extended to the Afghan National Police by the international partners in this regard, in particular the continued commitment of the NATO Training Mission in Afghanistan, the European Union police mission (EUPOL Afghanistan), and the European Gendarmerie Force (EGF) and, in the context of transition, *welcoming* the increased capacities and capabilities of the ANSF, *stressing* the need for Afghanistan together with international donors to further strengthen the Afghan National Army and the Afghan National Police urging, inter alia, continued professional training measures to ensure Afghan capability to assume, in a sustainable manner, increasing responsibilities and leadership of security operations and maintaining public order, law enforcement, the security of Afghanistan's borders and the preservation of the constitutional rights of Afghan citizens as well as to increase its efforts in disbandment of illegal armed groups and counter narcotics, as outlined most recently in the Chicago Summit Joint Declaration and the Tokyo Declaration,

Welcoming the Chicago Summit Joint Declaration on Afghanistan which stresses the long-term commitment, beyond 2014, to lasting peace, security and stability in Afghanistan, *noting* the responsibility of the Government of Afghanistan to sustain a sufficient and capable ANSF supported by the international community, *welcoming*, in this context, the decision of the international community, taken at the International Conference on Afghanistan in Bonn on 5 December 2011, to support the training, equipping, financing and capability development of the ANSF beyond the end of the transition period, *welcoming* as reaffirmed in the Chicago Summit Joint Declaration the financial sustainment of the ANSF with a clear view to the assumption, no later than 2024, of full financial responsibility for its own security forces by the Government of Afghanistan, *welcoming* the expectation of the Government of Afghanistan and NATO for NATO to continue training, advising and assisting the ANSF post-2014,

Noting regional initiatives on Afghanistan such as the Istanbul Process on Regional Security and Cooperation for a Secure and Stable Afghanistan, the last Ministerial Conference of which was held in Kabul on 14 June 2012, the RECCA initiative of which the Fifth Regional Economic Cooperation Conference on Afghanistan (RECCA V) was held in Dushanbe, Tajikistan on 26-27 March 2012, the Delhi Investment Summit of 28 June 2012 as well as initiatives such as those being implemented in the framework of the South Asian Association for Regional Cooperation (SAARC), the Shanghai Cooperation Organization (SCO), the Collective Security Treaty Organization (CSTO), the EU, the Organization for Security and Cooperation in Europe (OSCE) and other relevant initiatives aimed at increased regional economic cooperation with Afghanistan such as enhanced trade and infrastructural connectivity along historical trade routes, energy supply, transport and integrated border management, and *welcoming*, in this context, the outcome of the "Istanbul Conference for Afghanistan: Security and Cooperation in the Heart of Asia" of 2 November 2011 and the follow-up "Heart of Asia-Ministerial conference Kabul" on 14 June 2012 which respectively launched and furthered the Istanbul Process, where Afghanistan and its regional partners, with the support of the international community, affirmed their commitment to strengthen regional security and cooperation for a secure and stable Afghanistan, including through enhanced regional dialogue and confidence-building measures, and *looking forward* to future meetings thereof, and *noting* that the Istanbul Process is intended to complement and cooperate with, and not substitute for, existing efforts of regional organizations, particularly where they relate to Afghanistan,

Recognizing the importance of the contribution of neighbouring and regional partners as well as regional organizations including the EU, OSCE, SCO, CSTO and SAARC to the stabilization of Afghanistan, *stressing* the crucial importance of advancing regional cooperation as an effective means to promote security, governance and development in Afghanistan, *welcoming and supporting* increased regional efforts towards the continued implementation of previous declarations of good neighbourly relations,

Stressing the central and impartial role that the United Nations continues to play in promoting peace and stability in Afghanistan by leading the efforts of the international community, *noting*, in this context, the synergies in the objectives of the United Nations Assistance Mission in Afghanistan (UNAMA) and of ISAF, and, as transition moves forward, *stressing* the need for strengthened cooperation, coordination and mutual support, taking due account of their respective designated

responsibilities and the evolving nature and adjusted size of the international community's presence,

Expressing its serious concern about the security situation in Afghanistan, in particular the ongoing violent and terrorist activities by the Taliban, Al-Qaida and other violent and extremist groups, illegal armed groups and criminals, including those involved in the production, trafficking or trade of illicit drugs, as described in the reports of the Secretary-General since the adoption of UNSCR 2011 (2011), and the strong links between terrorism activities and illicit drugs, resulting in threats to the local population, including children, as well as to the national security forces and international military and civilian personnel,

Welcoming the efforts of the Government of Afghanistan to update and improve the National Drug Control Strategy, with a particular emphasis on a partnership approach to ensure joint, effective implementation and coordination, *encouraging* ISAF to further, effectively support, within its designated responsibilities, Afghan-led sustained efforts, including efforts by the ANSF, to address drug production and trafficking, in cooperation with relevant international and regional actors, *recognizing* the threat posed by illicit drug production, trade and trafficking to international peace and stability in different regions of the world, and the important role played by the United Nations Office on Drugs and Crime (UNODC) in this regard, and *remaining concerned* at the serious harm that opium cultivation, production and trafficking and consumption continue to cause to the security, development and governance of Afghanistan as well as to the region and beyond, and *commending* the Paris Pact Initiative as one of the most important frameworks in the fight against opiates originating in Afghanistan,

Expressing also its concern over the harmful consequences of violent and terrorist activities by the Taliban, Al-Qaida and other violent and extremist groups and illegal armed groups on the capacity of the Afghan Government to guarantee the rule of law, to provide security and basic services to the Afghan people, and to ensure the full enjoyment of their human rights and fundamental freedoms,

Reiterating its support for the continuing endeavours by the Afghan Government, with the assistance of the international community, including ISAF and the Operation Enduring Freedom (OEF) coalition, to further improve the security situation and to continue to address the threat posed by the Taliban, Al-Qaida and other violent and extremist groups and illegal armed groups, and *stressing* in this context the need for sustained international efforts, including those of ISAF and the OEF coalition,

Condemning in the strongest terms all attacks, including improvised explosive device (IED) attacks, suicide attacks, assassinations and abductions, indiscriminate targeting of civilians, attacks against humanitarian workers and targeting of Afghan and international forces and their deleterious effect on the stabilization, reconstruction and development efforts in Afghanistan, and *condemning* further the use by the Taliban, Al-Qaida and other violent and extremist groups and illegal armed groups of civilians as human shields,

Welcoming the Afghan Government's achievements in banning ammonium nitrate fertilizer, and urging continued action to implement regulations for the control of all explosive materials and precursor chemicals, thereby reducing the ability of insurgents to use them for improvised explosive devices,

Recognizing the continuing threats posed by the Taliban, Al-Qaida and other violent and extremist groups and illegal armed groups as well as the challenges related to the efforts to address such threats,

Expressing its serious concern with the high number of civilian casualties in Afghanistan, in particular women and children casualties, the increasingly large majority of which are caused by Taliban, Al-Qaida and other violent and extremist groups and illegal armed groups, *condemning* in the strongest terms the high number of attacks targeting schools, including their burning and forced closure, their use by armed groups, and the intimidation, abduction and killing of education personnel, particularly those attacks targeting girls' education by armed groups including the Taliban and *welcoming*, in this context, the listing of the Taliban in the annex of the report of the Secretary-General on children and armed conflict in Afghanistan (S/2012/261) pursuant to Security Council resolution 1998 (2011), *reaffirming* that all parties to armed conflict must take all feasible steps to ensure the protection of affected civilians, especially women, children and displaced persons, *calling* for all parties to comply with their obligations under international humanitarian and human rights law and for all appropriate measures to be taken to ensure the protection of civilians, and *recognizing* the importance of the ongoing monitoring and reporting to the United Nations Security Council, including by ISAF, of the situation of civilians and in particular civilian casualties, and noting in this regard the work of the ISAF Civilian Casualties Mitigation Team,

Taking note of the further progress made by ISAF and other international forces in minimizing the civilian casualties, as recognized in the 2012 midyear report by UNAMA on the protection of civilians in armed conflict, *urging* ISAF and other international forces to continue to undertake enhanced efforts to prevent civilian casualties, including the increased focus on protecting the Afghan population as a central element of the mission, and *noting* the importance of conducting continuous reviews of tactics and procedures and after-action reviews and investigations in cooperation with the Afghan Government in cases where civilian casualties have occurred and when the Afghan Government finds these joint investigations appropriate, as well as continuing cooperation with the ANSF towards the further institutionalization of protection of civilians,

Expressing its strong concern about recruitment and use of children by Taliban forces in Afghanistan as well as the killing and maiming of children as a result of the conflict, supporting the decree by the Minister of the Interior reaffirming the government's commitment to preventing violations of the rights of the child dated 6 July 2011, welcoming the establishment of the Afghan Inter-Ministerial Steering Committee on Children and Armed Conflict and the progress made on implementation of the Action Plan, and calling for the full implementation of the provisions of the plan, in close cooperation with UNAMA,

Stressing in this context the importance of further progress by the Afghan Government in ending impunity and strengthening judicial institutions, in the reconstruction and reform of the prison sector, and the rule of law and respect for human rights within Afghanistan, including for women and girls, and in particular women's rights under the Constitution to fully participate in the political, economic and social spheres of Afghan life, and welcoming, in this regard, the National Police Plan and the objectives set therein for increased training in human rights, including gender issues, and increased recruitment of women,

Reiterating its call on all Afghan parties and groups to engage constructively in peaceful political dialogue as within the framework of the Afghan Constitution and to work together with international donors for the socioeconomic development of the country and to avoid resorting to violence including through the use of illegal armed groups, *supporting* the aims of the High Peace Council,

Reiterating its firm commitment to support the Government of Afghanistan in its efforts to advance the peace and reconciliation process, in line with the Kabul Communiqué and the Bonn Conference Conclusions, and within the framework of the Afghan Constitution and application of the procedures introduced by the Security Council in its resolution 1988 (2011) as well as other relevant resolutions of the Council,

Welcoming the continuing efforts of the Afghan Government to advance the peace and reconciliation process, including by the High Peace Council and the implementation of the Afghanistan Peace and Reconciliation Programme, to promote an inclusive, Afghan-led dialogue on reconciliation and political participation as laid forth in the 20 July 2010 Kabul Conference Communiqué on dialogue for all those who renounce violence, have no links to international terrorist organizations, including Al-Qaida, respect the constitution, including its human rights provisions, notably the rights of women, and are willing to join in building a peaceful Afghanistan, and as further elaborated in the principles and outcomes of the 5 December 2011 Bonn Conference Conclusions supported by the Government of Afghanistan and the international community, with full respect for the implementation of measures and application of the procedures introduced by the Security Council in its resolutions 1267 (1999) and 1988 (2011) as well as other relevant resolutions of the Council, *calling* on all relevant States to remain engaged in the peace process, and *recognizing* the impact terrorist attacks have on the Afghan people and risk having on future prospects for a peace settlement,

Recognizing that an increased number of the Taliban have reconciled with the Government of Afghanistan, have rejected the terrorist ideology of Al-Qaida and its followers, and support a peaceful resolution to the continuing conflict in Afghanistan, *recognizing also* that notwithstanding the evolution of the situation in Afghanistan and progress in reconciliation, security remains a serious challenge in Afghanistan and the region,

Recognizing also the increased number of reintegrees that have joined the Afghanistan Peace and Reintegration Programme (APRP), *welcoming* the results of the APRP Review Conference in May 2011 and recent efforts to ensure its implementation and *encouraging* further efforts to address remaining operational challenges, including through an appropriate vetting mechanism, and further encouraging the international community to support this Afghan-led effort,

Recalling the Government of Afghanistan's commitments, most recently at the Tokyo Conference, to strengthen and improve Afghanistan's electoral process, including long-term electoral reform, in order to ensure that future elections will be transparent, credible and democratic and reaffirming that Afghanistan's peaceful future lies in the building of a stable, secure, economically sustainable state, free of terrorism and narcotics and based on the rule of law, strengthened democratic institutions, respect for the separation of powers, reinforced constitutional checks and balances and the guarantee and enforcement of citizens' rights and obligations,

Welcoming the efforts of the international community carried out to strengthen the coherence of military and civilian actions, including those within the framework of ISAF,

Welcoming also the continued coordination between ISAF and the OEF coalition, and in-theatre cooperation established between ISAF and the EU presence in Afghanistan,

Expressing its appreciation for the leadership provided by NATO and for the contributions of many nations to ISAF and to the OEF coalition, which operates within the framework of the counter-terrorism operations in Afghanistan and in accordance with the applicable rules of international law,

Determining that the situation in Afghanistan still constitutes a threat to international peace and security,

Determined to ensure the full implementation of the mandate of ISAF, in coordination with the Afghan Government,

Acting for these reasons under Chapter VII of the Charter of the United Nations,

1. *Decides* to extend the authorization of the International Security Assistance Force (ISAF), as defined in resolutions 1386 (2001) and 1510 (2003), for a period of twelve months until 13 October 2013;

2. *Authorizes* the Member States participating in ISAF to take all necessary measures to fulfil its mandate;

3. *Recognizes* the need for ISAF to meet all its operational requirements, *welcomes* the agreement between the Government of Afghanistan and countries contributing to ISAF to gradually transfer full security responsibility in Afghanistan to the Afghan Government countrywide by the end of 2014 and the ongoing implementation of the transition process since July 2011, and *calls upon* Member States to contribute personnel, equipment and other resources to ISAF and to continue to pursue their efforts to support security, stability and transition in Afghanistan;

4. *Welcomes* the strong commitment of the Government of Afghanistan to further develop, with the support of ISAF nations, an ANSF which is governed by the Afghan Constitution and is capable of providing peace, security and stability to all Afghans operating under effective civilian leadership and in accordance with the rule of law, and respecting human rights, and capable of contributing to the region's security through the stabilization of the situation in Afghanistan;

5. *Welcomes* the commitment by NATO and the Afghan Government to further develop the NATO-Afghanistan Enduring Partnership signed at Lisbon in 2010 in all its dimensions, up to 2014 and beyond, and in particular the intention expressed therein to provide, within the framework of the Enduring Partnership, sustained practical support aimed at improving and sustaining Afghanistan's capacity and capability to tackle continued threats to its security, stability and integrity, and to contribute to the region's security through the stabilization of the situation in Afghanistan;

6. *Stresses* the importance of increasing, in a comprehensive framework, the functionality, professionalism and accountability of the Afghan security sector,

encourages ISAF and other partners to sustain their efforts, as resources permit, to train, mentor and empower the Afghan national security forces, in order to accelerate progress towards the goal of self-sufficient, sustainable, accountable and ethnically balanced Afghan security forces providing security and ensuring the rule of law throughout the country, *welcomes* the increasing leadership role played by the Afghan Authorities in security responsibilities throughout the country, and *welcomes* the substantial progress made in the expansion of the Afghan National Army and the Afghan National Police and *stresses* the importance of supporting the further professionalization of these institutions;

7. *Calls upon* ISAF and the NATO Senior Civilian Representative to continue to work in close consultation with the Afghan Government and the Special Representative of the United Nations Secretary-General in accordance with Security Council resolution 2041 (2012) as well as with the OEF coalition in the implementation of the ISAF mandate;

8. *Requests* the leadership of ISAF to keep the Security Council regularly informed, through the United Nations Secretary-General, on the implementation of its mandate, including through the timely provision of quarterly reports;

9. *Decides* to remain actively seized of this matter.

United Nations S/2012/743

Security Council

Distr.: General
12 October 2012

Original: English

Argentina, Brazil, Canada, Chile, Colombia, France, Guatemala, Paraguay, Peru, Spain, United States of America and Uruguay: draft resolution

The Security Council,

Reaffirming its previous resolutions on Haiti, in particular its resolutions 2012 (2011), 1944 (2010), 1927 (2010), 1908 (2010), 1892 (2009), 1840 (2008), 1780 (2007), 1743 (2007), 1702 (2006), 1658 (2006), 1608 (2005), 1576 (2004) and 1542 (2004),

Reaffirming its strong commitment to the sovereignty, independence, territorial integrity and unity of Haiti,

Recognizing that Haiti continued to make considerable strides since the tragic earthquake of 12 January 2010 and achieved, over the past year, a number of political milestones indicative of progress in the process of stabilization, in particular the ratification by the parliament of a new Prime Minister, the installation of the Superior Council of the Judiciary, and the publication of the constitutional amendments,

Noting the key importance of the realization of the partial legislative, municipal and local elections, and noting in this regard the importance of the installation of the country's Permanent Electoral Council as established in the constitutional amendments,

Recognizing that the overall security situation while fragile has improved since the adoption of its resolutions 1908, 1927 and 1944, and remained relatively stable since the adoption of its resolution 2012 (2011), allowing MINUSTAH to continue to drawdown its post-earthquake troop levels and to adapt its configuration without undermining the security and stability of Haiti, and recognizing the importance of condition-based security-related decisions about the future of MINUSTAH,

Noting with concern an increase of homicides, particularly in major urban areas, and the continuing threat of criminal gangs,

Recognizing the critical role of MINUSTAH in ensuring stability and security in Haiti, and commending MINUSTAH for continuing to assist the Government of Haiti to ensure a secure and stable environment, and expressing gratitude to the personnel of MINUSTAH and to their countries and paying tribute to those injured or killed in the line of duty,

Welcoming the continued commitment by the Government of Haiti to strengthen the rule of law, and to make further progress in security sector reform,

Welcoming the elaboration of the five-year 2012-2016 Haitian National Police Development Plan presented by MINUSTAH and the Haitian National Police; underscoring the need for the Government of Haiti with the assistance of the international community, as requested, to take steps to ensure that the Haitian National Police meets the benchmarks for its strengthening and reform contained in these plans; and encouraging the Government, with the support of MINUSTAH, to regularly inform the Haitian people and key stakeholders as appropriate on progress towards these benchmarks,

Underlining, with the installation of the Superior Council of the Judiciary the need to further strengthen Haitian judicial and correctional systems, in order to support a more integrated and cohesive Haitian security sector, supported by UNDP, welcoming the capacity development assessment of the Ministry of Justice and Public Security, which resulted in an action plan for its institutional reform and acknowledging that attendant human rights concerns that still remain in the corrections system such as prolonged pretrial detentions, prison overcrowding, sanitary conditions, and access to health-care services, including hygiene, are significant challenges to sustainable administrative reforms,

Acknowledging that while important progress has been made, Haiti continues to face significant humanitarian challenges, with over 390,000 internally displaced persons still dependent on assistance for their basic survival, an ongoing cholera epidemic, and with living conditions in the camps that need to be further addressed,

Commending the wide range of recovery efforts delivered in the aftermath of the January 2010 earthquake by the United Nations system in Haiti, especially the United Nations-supported housing and debris removal programmes and the successful use of MINUSTAH's military engineering units,

Acknowledging extreme vulnerability to natural disasters; and stressing the leading role of the Government of Haiti in the post-disaster recovery and reconstruction process, including risk reduction and preparedness efforts; and underlining the necessity for increased coordination and complementary efforts among all United Nations actors and other relevant stakeholders in assisting the Government in this regard, as well as in the overall support to Haiti's post-earthquake recovery and social and economic development,

Emphasizing that progress in the recovery and reconstruction of Haiti, as well as in Haiti's social and economic development, including through effective international development assistance and increased Haitian institutional capacity to benefit from this assistance, are crucial to achieving lasting and sustainable stability, and reiterating the need for security to be accompanied by social and economic development,

Welcoming the establishment of the Aid Coordination Mechanism, which succeeds the Interim Haiti Recovery Commission, and the continued support by the Haiti Reconstruction Fund,

Welcoming the finalization by MINUSTAH and the UN Country Team in Haiti, in close consultations with the Government of Haiti, of the new Integrated Strategic Framework for the period 2013-2016, which identifies United Nations priorities and

is aligned with the Government of Haiti's Strategic Development Plan and with MINUSTAH's future conditions-based consolidation plan,

Noting the ongoing efforts by the Government of Haiti to control and eliminate the cholera epidemic, and urging the United Nations entities in coordination with other relevant actors to continue to support the Government of Haiti in addressing the structural weaknesses, in particular in the water and sanitation systems, and underscoring the importance of strengthening the Haitian national health institutions, and recognizing United Nations efforts to combat cholera,

Urging donors to complete the pledges made at the 2010 New York Conference in order, inter alia, to help promote access to services and jobs for the most vulnerable, and underlining national responsibility to provide clear guidance on the priorities,

Emphasizing the role of regional organizations in the ongoing process of stabilization and reconstruction of Haiti and calling on MINUSTAH to continue to work closely with international financial institutions, regional and subregional organizations, and other stakeholders, in particular the Organization of the American States (OAS), Union of South American Nations (UNASUR), and the Caribbean Community (CARICOM),

Recognizing also the interconnected nature of the challenges in Haiti, reaffirming that sustainable progress on security, the rule of law and institutional reform, national reconciliation and development, including the combat against unemployment and poverty, are mutually reinforcing, welcoming the continuing efforts of the Government of Haiti and the international community to address these challenges,

Underlining the need for the implementation of highly effective and visible labour-intensive projects that help create jobs and deliver basic social services,

Welcoming the efforts of the HNP to increase patrolling and enhance its presence and engagement directly with the population, which may have contributed to an increase in the reporting of crimes,

Acknowledging that sexual and gender-based violence remains a serious concern, particularly in marginalized districts of Port-au-Prince, internally displaced persons camps and remote areas of the country,

Recognizing MINUSTAH's continued community policing efforts, in close coordination with camp committees, in camps for internally displaced persons, and welcoming their engagement with the population aimed at increasing the reporting of crimes,

Recognizing that strengthening national human rights institutions as well as respect for human rights and due process and combating criminality, sexual and gender-based violence and putting an end to impunity are essential to ensuring the rule of law and security in Haiti,

Reaffirming the authority of the Special Representative of the Secretary-General in the coordination and conduct of all activities of United Nations agencies, funds and programmes in Haiti, and reaffirming also its support to the Special Representative of the Secretary-General's role in ensuring optimal coordination and collaboration between MINUSTAH and the United Nations country team in

connection with the aspects of their respective mandates that are correlated particularly as part of MINUSTAH's condition-based consolidation plan under elaboration,

Underscoring the importance of adequately funding the Haitian National Police to enhance its logistic and administrative capacities, and encouraging the Government of Haiti to take advantage of the support being provided by the international community to guarantee the provision of adequate security for the Haitian people and calling on all international partners to strengthen their coordination in this regard,

Welcoming the institutional continuity represented by the nomination and ratification of a new Director General of the Haitian National Police,

Welcoming the efforts of the former President of the United States of America, William J. Clinton as United Nations Special Envoy for Haiti, to enhance the United Nations recovery response, in both humanitarian and development operations as well as tracking aid pledges and disbursement of funds, liaising with United Nations entities, the international financial institutions, working to ensure coherence across United Nations operations in Haiti, and noting the importance of regular reporting on these activities,

Stressing the importance of a strong coordination among the Office of the United Nations Special Envoy for Haiti and other United Nations entities and Member States, and stressing the need for coordination among all international actors on the ground,

Welcoming the Secretary-General's report S/2012/678 of 31 August 2012,

Mindful of its primary responsibility for the maintenance of international peace and security under the Charter of the United Nations,

Acting under Chapter VII of the Charter of the United Nations, as described in section 1 of operative paragraph 7 of resolution 1542 (2004),

1. *Decides* to extend the mandate of MINUSTAH as contained in its resolutions 1542 (2004), 1608 (2005), 1702 (2006), 1743 (2007), 1780 (2007), 1840 (2008), 1892 (2009), 1908 (2010), 1927 (2010), 1944 (2010) and 2012 (2011) until 15 October 2013, with the intention of further renewal;

2. *Decides* that MINUSTAH's overall force levels will consist of up to 6,270 troops of all ranks through a balanced withdrawal of infantry and engineering personnel and of a police component of up to 2,601 personnel, consistent with paragraph 50 of the Secretary-General's report;

3. *Affirms* that future adjustments to the force configuration should be based on the security situation on the ground, taking into account the impact of social and political realities on Haiti's stability and security; the increasing development of Haitian State capabilities, in particular the ongoing strengthening of the Haitian National Police; and the national authorities' increasing exercise of the Haitian State's responsibility for the maintenance of stability and security in the country;

4. *Takes note* of the conditions-based consolidation plan of MINUSTAH, currently being developed under the leadership of the SRSG in collaboration with the UN Country Team, and in consultation with the Government of Haiti and international partners; acknowledges, pursuant to paragraphs 47 and 48 of the

Secretary-General's report, the value of its important objective of focusing the Mission's activities on a core set of mandated tasks achievable within a reasonable time frame and concluding with the Government of Haiti a transition compact that will set out a concentrated number of benchmarks that will serve as key indicators of progress in the stabilization process, while recalling the integrated nature of stability challenges in Haiti reflected in the Mission's mandate;

5. *Recognizes* the ownership and primary responsibility of the Government and the people of Haiti over all aspects of the country's stabilization, welcomes the steps taken by MINUSTAH to provide logistical and technical expertise, within available means, to assist the Government of Haiti, as requested, to continue operations to build the capacity of its rule of law institutions at the national and local levels, and to speed up the implementation of the Government's resettlement strategy for displaced persons, in the knowledge that such measures are temporary and will be phased out as Haitian capacity grows, and calls on the Mission to proceed swiftly with activities in this regard as recommended by the Secretary-General, coordinating as appropriate with the UN Country Team and other active in the stabilization efforts;

6. *Encourages* MINUSTAH to continue assisting the Government of Haiti in providing adequate protection to the civilian population, with particular attention to the needs of internally displaced persons and other vulnerable groups, especially women and children, including through joint community policing in the camps, in line with Security Council resolution 1894 (2009);

7. *Welcomes* the Government of Haiti's efforts to build institutional capacity in security and rule of law at all levels, including through decentralization efforts, and calls upon MINUSTAH, consistent with its mandate, and other relevant actors, to continue to provide support to the Government's decentralization priorities at the central and departmental levels and to strengthen self-sustaining security sector State institutions, especially outside Port-au-Prince, with a view to further enhance the Government of Haiti's ability to extend State authority throughout Haiti, ensure greater countrywide presence of the State, and promote good governance at local levels;

8. *Recognizes* that a stable political and institutional environment is crucial for stability and the progress of recovery and reconstruction efforts, reaffirms its call upon MINUSTAH to support the political process under way in Haiti, including through the offices of the Special Representative of the Secretary-General; calls on all the relevant political actors in Haiti to work cooperatively for the installation of the country's Permanent Electoral Council as established in the constitutional amendments and for the realization of the partial legislative, municipal and local elections that are now overdue and encourages MINUSTAH to continue its support in this regard, and to coordinate international electoral assistance to Haiti in cooperation with other international stakeholders including the OAS, UNASUR, and CARICOM as appropriate;

9. *Reaffirms* that, in the framework of the improvement of the rule of law in Haiti, strengthening the capacity of the Haitian National Police (HNP) is paramount for the Government of Haiti to take timely and full responsibility for the country's security needs, which is central to Haiti's overall stability and future development;

10. *Recognizes* the Haitian National Police's capacity building as a most critical task for MINUSTAH and calls on Haiti's international and regional partners to intensify their assistance to the Government of Haiti to that end, in accordance to its priorities including by providing skilled trainers and technical advisers, while stressing the need for close coordination between donors and the government of Haiti to enhance the sustainability of these efforts; further encourage MINUSTAH to locate these experts in the most efficient manner consistent with their skills and areas of expertise;

11. *Encourages* the Haitian authorities to continue to implement the justice reform plan by taking the necessary steps, including the ongoing support to the Superior Council of the Judiciary, that will aim to ensure the independence and effectiveness of the judicial institutions, and to address the issue of prolonged pretrial detentions and prison conditions and overcrowding, with special regard to women and children held in detention;

12. *Supports* the objectives and commitments reflected in the joint drafting of 2012-2016 HNP Development Plan and its implementation, and underlines the need to ensure adequate budgetary support from the Government of Haiti and donors in order to achieve a minimum of 15,000 fully operational serving police officers by 2016, adequate logistic and administrative capacity, accountability and respect for human rights and rule of law, robust vetting process, enhanced recruitment procedures and training, with an emphasis on specialized units, and strengthened border control and deter transnational organized crime;

13. *Requests* MINUSTAH to continue its efforts to strengthen the institutional and operational capacities of the Haitian National Police, in particular by renewed efforts to mentor and train police and corrections personnel; calls on MINUSTAH to align skills of UNPOL personnel to support these objectives; requests also MINUSTAH to facilitate coordination between bilateral and multilateral efforts and to continue to provide technical guidance to donor-funded projects as requested for the rehabilitation and construction of police and corrections facilities as well as for other projects aiming to support HNP's institutional capacity as appropriate;

14. *Encourages also* MINUSTAH, in cooperation with the appropriate international actors to assist the Government in effectively tackling gang violence, organized crime, drug trafficking and trafficking of children;

15. *Calls on* all donors and partners, including international and non governmental organizations, to better coordinate their efforts and work closely with the Haitian Government through the Aid Coordination Mechanism, which is intended to help the Government ensure increased transparency, national ownership and coordination in foreign assistance and to strengthen Government capacity to manage external assistance;

16. *Requests* the UN Country Team, and calls upon all actors, to complement security and development operations undertaken by the Government of Haiti with the support of MINUSTAH with activities aimed at effectively improving the living conditions of the concerned populations, in particular women and children;

17. *Requests* MINUSTAH, working in coordination with the UN Country Team, to continue to implement quick-impact projects that contribute to a secure and stable environment and enhance the trust of the Haitian population towards

MINUSTAH, particularly in the priority areas identified by the Mission's leadership and consistent with the Government of Haiti's priorities as appropriate;

18. *Strongly condemns* the grave violations against children affected particularly by criminal gang violence, as well as widespread rape and other sexual abuse of women and girls, and calls upon the Government of Haiti, with the support of MINUSTAH and the UN Country Team, to continue to promote and protect the rights of women and children as set out in Security Council resolutions 1325 (2000), 1612 (2005), 1820 (2008), 1882 (2009), 1888 (2009), and 1889 (2009), and encourages all actors in the Haitian Government, the international community and civil society to renew their efforts to eliminate sexual and gender based violence in Haiti; as well as to improve response to rape complaints and access to justice for the victims of rape and other sexual crimes;

19. *Requests* the Secretary-General to continue to take the necessary measures to ensure full compliance of all MINUSTAH personnel with the United Nations zero-tolerance policy on sexual exploitation and abuse, and to keep the Council informed, and urges troop- and police-contributing countries to ensure that acts involving their personnel are properly investigated and punished;

20. *Reaffirms* MINUSTAH's human rights mandate as an essential component of the Mission and recognizes that respect for human rights is an essential element for Haiti's stability, in particular attention to individual accountability for grave violations under past governments, urges the Government to ensure with the support of the international community, as appropriate, the respect and protection of human rights by the Haitian National Police and the judiciary, and calls on MINUSTAH to provide monitoring and support in this regard;

21. *Encourages* MINUSTAH, within its mandate, to continue to use existing means and capabilities, including its engineers, with a view to enhancing stability in Haiti while fostering greater Haitian ownership in the context of its condition-based consolidation plan;

22. *Requests* MINUSTAH to continue to pursue its community violence reduction approach, in close collaboration with the Haitian Government, adapting the programme to the changing requirements of the post-earthquake Haitian context with a particular focus on at-risk youth, women, the displaced and those living in violence-affected neighbourhoods and to ensure that this activity is coordinated with, and supports the work of, the UN Country Team to build local capacity in this area;

23. *Requests* MINUSTAH to continue to support the Haitian authorities in their efforts to control the flow of small arms, the development of a weapons registry, the revision of current laws on importation and possession of arms, reform of the weapons permit system and the development and implementation of a national community policing doctrine;

24. *Underscores* the importance that planning documents for MINUSTAH's military and police components, such as the concept of operations and rules of engagement, be regularly updated, as appropriate, and be in line with the provisions of all its relevant resolutions, and requests the Secretary-General to report on them to the Security Council and troop- and police-contributing countries;

25. *Requests* the Secretary-General to keep it regularly informed, and to report to the Council on the implementation of MINUSTAH's mandate, semi-annually and not later than forty-five days prior to its expiration;

26. *Requests* the Secretary-General to include in his reports a comprehensive assessment of threats to security in Haiti, and to propose, as appropriate, options to reconfigure the size and composition of MINUSTAH and to further develop, evaluate, and submit as an annex to his next report, the consolidation plan presented in Section VI of the Report S/2012/678;

27. *Decides* to remain seized of the matter.

United Nations S/2012/744

Security Council

Distr.: General
8 October 2012

Original: English

Report of the Secretary-General concerning the credentials of the alternate representative of the United Kingdom of Great Britain and Northern Ireland on the Security Council

Pursuant to rule 15 of the provisional rules of procedure of the Security Council, the Secretary-General wishes to report that he has received a letter dated 2 October 2012 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations stating that Mr. Simon Billett has been appointed alternate representative of the United Kingdom on the Security Council.

In the opinion of the Secretary-General, this letter constitutes adequate provisional credentials.

12-53798 (E) 111012

Please recycle

United Nations A/67/500–S/2012/745

General Assembly
Security Council

Distr.: General
8 October 2012

Original: English

General Assembly
Sixty-seventh session
Agenda items 33, 34 and 39

Prevention of armed conflict

Protracted conflicts in the GUAM area and their implications for international peace, security and development

The situation in the occupied territories of Azerbaijan

Security Council
Sixty-seventh year

Letter dated 8 October 2012 from the Permanent Representative of Armenia to the United Nations addressed to the Secretary-General

Upon instructions from my Government, I have the honour to draw your attention to the ongoing violations of the ceasefire by the military forces of the Republic of Azerbaijan recorded for the month of September 2012 (see annex).

I should be grateful if you would circulate the present letter and its annex as a document of the General Assembly, under agenda items 33, 34 and 39, and of the Security Council.

(*Signed*) Garen **Nazarian**
Ambassador
Permanent Representative

12-54089 (E) 151012

Please recycle

Annex to the letter dated 8 October 2012 from the Permanent Representative of Armenia to the United Nations addressed to the Secretary-General

Violations of the ceasefire by the armed forces of the Republic of Azerbaijan, 1-30 September 2012

1. On the borderline of the Nagorno Karabakh Republic:

   Total number of violations — 1,228

   Total number of shots ~ 5,009

   AK ~ 3,297, PK ~ 898 , SVD ~ 516, DSHK ~ 80, Black Arrow ~ 26, RPK ~ 57, Istigal ~ 33, Utyos ~ 29, KPVT ~ 43, AGS ~ 30.[a]

2. On the borderline of the Republic of Armenia (see table below):

   Total number of violations — 131

   Total number of shots ~ 1,904

   AK ~ 1,124, PK ~ 478, SVD ~ 122, DSHK ~ 12, Black Arrow ~ 16, RPK ~ 149, ZU-23 ~ 3.[a]

No.	*Date*	*Direction*	*Time*	*Type of weapon*	*Ammunition*	*Results of violations*
1.	1 September	Chinari	00.05	AK	35	
2.		Berdavan	00.50	AK	2	
3.				SVD	2	
4.		Movses	01.25	AK	3	
5.			17.45	AK	6	
6.		Barekamavan	11.25	PK	30	
7.		Barcruni	18.35	SVD	4	

[a] PK — Kalashnikov machine gun
SVD — 7.9 mm sniper weapon
AK — Kalashnikov rifle
DSHK — 12.7 mm machine gun
RPK — 5.45 mm machine gun
Utyos — 12.7 mm machine gun
NSVT — 12.7 mm machine gun
Istigal — 14.5 mm machine gun
Black Arrow — 12.7 mm sniper weapon
RPG — Rocket-propelled grenade
AGS — Automatik grenade launcher
ZU-23 — Anti-aircraft gun
KPVT — 14.7 mm machine gun

No.	*Date*	*Direction*	*Time*	*Type of weapon*	*Ammunition*	*Results of violations*
8.	2 September	Berdavan	20.30	AK	7	
9.		Paravaqar	20.45	AK	20	
10.		Movses	21.35	AK	3	
11.		Aygepar		AK	2	
12.	4 September	Barcruni	18.25	Black Arrow	2	
13.		Movses	22.00	AK	4	
14.		Arcvaberd	22.50	AK	35	
15.				SVD	15	
16.		Dovegh	23.30	AK	7	
17.		Baghanis	23.30	SVD	1	
18.	5 September	Berqaber	00.40	PK	20	
19.		Chinari	19.00	SVD	3	
20.		Eraskh	21.45	AK	17	
21.	6 September	Aygedzor	15.20	AK	15	
22.		Chinari	16.30	SVD	1	
23.		Paravaqar	21.00	AK	6	
24.		Barekamavan	21.15	AK	2	
25.		Barcruni	21.30	AK	7	
26.			21.55	AK	4	
27.	7 September	Armash	19.55	RPK	1	
28.		Sarigyukh	20.30	PK	10	
29.			22.30	DSHK	2	
30.		Berqaber	22.30	PK	4	
31.	8 September	Chinari	12.00	SVD	3	
32.		Aygepar	13.20	AK	5	
33.		Eraskh	19.45	SVD	2	
34.		Barcruni	20.20	AK	2	
35.		Baxanis	20.45	AK	4	

No.	*Date*	*Direction*	*Time*	*Type of weapon*	*Ammunition*	*Results of violations*
36.	9 September	Barcruni	10.20	SVD	1	
37.	10 September	Nerqin Karmiraghbyur	18.05	AK	15	
38.			21.55	AK	5	
39.		Vazashen	19.40	DSHK	4	
40.		Voskevan	20.10	AK	6	
41.	11 September	Aygepar	17.50	AK	6	
42.		Movses		PK	8	
43.				AK	9	
44.			19.10	PK	3	
45.	12 September	Movses	22.05	AK	3	
46.		Tigranashen	20.25	AK	3	
47.	14 September	Tigranakert	21.05	AK	1	
48.			23.00	AK	2	
49.	15 September	Aygepar	12.20	AK	1	
50.		Nerqin Karmiraghbyur	21.40	AK	4	
51.		Agarak	23.05	AK	10	
52.	16 September	Paravaqar	20.00	AK	2	
53.		Barcruni	20.40	PK	10	
54.		Dovegh	21.30	AK	30	
55.				PK	6	
56.	17 September	Lev	11.00	Black Arrow	6	
57.		Bozlu	12.00	Black Arrow	8	
58.		Voskepar	19.00	AK	6	
59.		Barcruni	20.30	AK	30	
60.				SVD	2	
61.		Paravaqar	21.25	AK	4	
62.		Brnakot	22.20	PK	5	

No.	*Date*	*Direction*	*Time*	*Type of weapon*	*Ammunition*	*Results of violations*
63.	18 September	Barcruni	04.30-05.10	PK	80	
64.				RPK	50	
65.				AK	270	
66.			05.20-06.40	PK	120	
67.				RPK	80	
68.				AK	340	
69.				SVD	60	
70.		Movses	12.10	DSHK	1	
71.		Sevakavan	12.20	AK	1	
72.		Nerqin Karmiraghbyur	21.20	PK	4	
73.	19 September	Nerqin Karmiraghbyur	08.30	AK	3	
74.			20.20	AK	2	
75.	20 September	Agarak	01.00	AK	7	
76.		Aygepar	01.50	AK	1	
77.			22.20	AK	4	
78.			22.30	PK	15	
79.	21 September	Berqaber	00.40	PK	10	
80.		Vazashen	01.20	AK	3	
81.		Baghanis	13.55	AK	2	
82.			14.45	AK	2	
83.			17.45	AK	4	
84.		Paravaqar	15.55	AK	4	
85.			21.35	AK	6	
86.		Agarak	19.50	PK	45	
87.			20.45	SVD	3	
88.		Aygepar	22.40	AK	9	

No	*Date*	*Direction*	*Time*	*Type of weapon*	*Ammunition*	*Results of violations*
89.	22 September	Dovegh	09.20	PK	3	
90.		Sevakavan	16.20	SVD	4	
91.		Berqaber	18.40	PK	20	
92.		Agarak	21.00	PK	5	
93.	23 September	Eraskh	10.15	AK	1	
94.		Voskepar	14.35	AK	2	
95.		Agarak	20.30	AK	3	
96.				DSHK	3	
97.	24 September	Vazashen	20.05	AK	15	
98.		Berqaber	23.45	AK	15	
99.	25 September	Aygepar	22.05	AK	8	At 12.15 p.m. Armenian AF serviceman Vaghinak Baghdasaryan was fatally wounded from firing of the Azerbaijani side at a distance of 450 metres from the village of Paravaqar at the borderline in a combat outpost
100.		N. Karmiraghbyur	23.30	AK	8	
101.	26 September	Chinari	13.00	RPK	3	
102.		Barcruni	19.55	PK	20	
103.			20.25	PK	20	
104.				RPK	15	
105.				AK	15	
106.	27 September	N. Karmiraghbyur	11.30	PK	10	
107.			20.45	PK	30	
108.		Barcruni	12.25	SVD	3	
109.			12.55	SVD	3	
110.			14.50	SVD	2	
111.				AK	14	
112.			15.05	SVD	3	

No.	*Date*	*Direction*	*Time*	*Type of weapon*	*Ammunition*	*Results of violations*
113.		Agarak	21.10	AK	3	
114.			23.00	AK	5	
115.		Movses	21.20	AK	2	
116.	28 September	Agarak	11.05	AK	4	
117.		Movses	19.00	AK	2	
118.		Chinari	20.20	AK	6	
119.		Aygepar	22.10	AK	15	
120.		Berdavan	22.40	AK	2	
121.		Berqaber	23.50	SVD	2	
122.	29 September	Voskepar	06.20	AK	1	
123.		Lehvaz	11.50	ZU-23	3	
124.		Berqaber	17.30	DSHK	2	
125.				SVD	5	
126.		Sevakavan	18.10	AK	9	
127.	30 September	Barcruni	14.10	SVD	1	
128.			19.50	SVD	2	
129.		Voskepar	21.45	AK	3	
130.			23.00	AK	2	
131.		Movses	23.05	AK	8	